1 INTRODUCTION

This Comment-Response Addendum presents the comments (and associated responses) received on the *Draft Environmental Impact Statement for the Bangor Hydro-Electric Company Northeast Reliability Interconnect* (DOE/EIS-0372). Together with the Draft Environmental Impact Statement (EIS) published in August 2005, these documents constitute the Final EIS for the United States (U.S.) Department of Energy's (DOE's) proposed action of amending Presidential Permit PP-89 to authorize Bangor Hydro-Electric Company (BHE) to construct its Northeast Reliability Interconnect (NRI) along the Modified Consolidated Corridors Route.

1.1 PROJECT HISTORY

In 1970, Maine Electric Power Company (MEPCO) — a partnership of Central Maine Power Company, Maine Public Service Company, and BHE — placed in service a 106-mi (171-km), 345,000-volt (345-kV) transmission line interconnecting the Orrington Substation with New Brunswick Power Corporation's (NB Power's) system across the U.S.-Canada border near Orient, Maine. On December 16, 1988, BHE applied to DOE for a Presidential permit to construct, connect, operate, and maintain a second 345-kV transmission line to New Brunswick, Canada. This 1988 transmission line was to extend eastward 84 mi (135 km) from the Orrington Substation to the U.S.-Canada border near Baileyville, Maine, where it was to connect with a transmission line to be built, operated, and maintained by NB Power.

In December 1993, DOE published the Draft EIS (DOE/EIS-0166), and following a public comment period issued a Final EIS in August 1995. DOE signed a Record of Decision (ROD) on January 18, 1996 (61 FR 2244; January 25, 1996), and issued Presidential Permit PP-89 on January 22, 1996, which authorized BHE to construct its proposed 345-kV transmission line along a route identified in the EIS as the Stud Mill Road Route.

In addition to the Presidential permit, the BHE transmission line required regulatory approval from the State of Maine. BHE received its original permit for the Stud Mill Road Route in 1992 and was granted State permit extensions in 1994 and 1996. In 1999, the Maritimes & Northeast Pipeline, L.L.C. (M&N) natural gas transmission line was constructed in the same general vicinity of the Stud Mill Road and BHE's approved transmission line that had yet to be constructed. In 2001, BHE requested a third State permit extension. The Maine Board of Environmental Protection, Maine's primary environmental review entity, conducted a public hearing process and indicated, in a draft order, a preference for BHE to use a route different from the Stud Mill Road Route, one that would be more closely consolidated with established linear corridors. This order was never finalized because BHE withdrew the request for an extension of the State permit. In May 2005, BHE applied to the Maine Department of Environmental Protection for new permits under the Site Location and Development Act, the Natural Resources Protection Act, and Section 401 of the Clean Water Act (CWA).

On September 30, 2003, BHE applied to DOE to amend Presidential Permit PP-89 to allow for the construction of the previously proposed 345-kV transmission line along a route

different than any of those routes analyzed in the 1995 EIS. BHE's proposed transmission line, referred to as the Northeast Reliability Interconnect (NRI), would originate at the existing Orrington Substation and would extend eastward approximately 85 mi (137 km) to the international border between the United States and Canada, near Baileyville, Maine, where it would connect with a transmission line to be constructed, operated, and maintained by NB Power.

DOE has determined that an amendment to the Presidential permit would constitute a major Federal action that could have a significant impact on the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, DOE prepared a Draft EIS to address potential environmental impacts from DOE's proposed action of granting the amendment of the Presidential permit and the range of reasonable alternatives. In the Draft EIS, BHE's proposed Modified Consolidated Corridors Route is identified as DOE's proposed action and preferred alternative. A "Notice of Availability" of the Draft EIS was published in the *Federal Register* by the U.S. Environmental Protection Agency (EPA) on August 26, 2005, and the publication of this notice began a 45-day public comment period that ended on October 11, 2005. This Comment-Response Addendum with the Draft EIS comprises the Final EIS [pursuant to 40 CFR 1503.4(c)]. The Draft EIS may be found on DOE's NEPA Web site (http://www.eh.doe.gov/NEPA/documentspub.html).

1.2 DOE'S PURPOSE AND NEED

The purpose and need for DOE's action is to respond to BHE's request to amend Presidential Permit PP-89. DOE may amend the Presidential permit if it determines that the action is in the public interest and after obtaining favorable recommendations from the U.S. Departments of State and Defense. In making its decision, DOE also considers the environmental impacts of the proposed project pursuant to NEPA, the project's impact on electric reliability, and any other factors that DOE may consider relevant to the public interest. If DOE determines that amending the Presidential permit would be in the public interest, the information contained in the EIS will provide the basis for DOE to decide which alternative(s) to authorize and which mitigation measures, if any, would be appropriate for inclusion as a condition of the permit amendment. A decision, in the form of a ROD, will be issued no sooner than 30 days after the EPA's publication of a "Notice of Availability of the Final EIS" in the *Federal Register*.

1.3 ALTERNATIVE ROUTES ANALYZED IN THE EIS

The EIS evaluates the following four alternative routes:

1. Modified Consolidated Corridors Route,

2. Consolidated Corridors Route,

3. Previously Permitted Route (No Action), and

4. MEPCO South Route.

In addition, the EIS evaluates the rescission of Presidential Permit PP-89. Under this alternative, the transmission line would not be constructed along any route.

All of the routes have the same beginning and end points, namely the Orrington Substation and the crossing of the St. Croix River near Baileyville, respectively (Figure 1.3-1). Also, the initial 12.2 mi (19.6 km) from the Orrington Substation would be identical for all four routes (Figure 1.3-2). All routes would cross primarily commercial forest land and would cross 100-year floodplains and wetlands, including some waterfowl and wading bird habitat. All routes also would cross both perennial and intermittent streams, and depending on the alternative, would cross the Machias, East Machias, and Narraguagus Rivers or associated tributaries. The MEPCO South Route would cross the Penobscot River at two locations.

1.3.1 Alternative One: Modified Consolidated Corridors Route (Preferred Alternative)

From the Orrington Substation, the Modified Consolidated Corridors Route would parallel the existing 345-kV MEPCO transmission line to Blackman Stream in Bradley (Figure 1.3-2). The Modified Consolidated Corridors Route would then proceed northeast within a new corridor until meeting Stud Mill Road and the M&N gas pipeline right-of-way (ROW); it would then proceed east-northeast, generally paralleling the M&N gas pipeline and Stud Mill Road to the international border near Baileyville, Maine (Figures 1.3-2 and 1.3-3). The total distance of the Modified Consolidated Corridors Route would be about 85 mi (137 km) and would consist of 15 mi (24 km) of new ROW, 58 mi (93 km) adjacent to the M&N gas pipeline and/or Stud Mill Road, and 12 mi (19 km) adjacent to the existing MEPCO 345-kV transmission line (including portions that are co-located with the M&N gas pipeline and/or other transmission lines). Figure B.1-1 (Appendix B) of the Draft EIS provides a detailed map of the Modified Consolidated Corridors Route.

1.3.2 Alternative Two: Consolidated Corridors Route

The Consolidated Corridors Route would be similar to the Modified Consolidated Corridors Route, except that it would deviate from it in two locations (Figures 1.3-2, 1.3-4, and 1.3-5). The first and longest route deviation occurs between Blackman Stream and Stud Mill Road near Pickerel Pond (Figure 1.3-4). The second deviation occurs in the area of Myra Camps, just west of Dead Stream (Figure 1.3-5). After the second deviation, the Consolidated Corridors Route and the Modified Consolidated Corridors Route would be identical to the international border near Baileyville, Maine. The Consolidated Corridors Route would traverse a total distance of about 85 mi (137 km) and would consist of 2 mi (3 km) of new ROW, 68 mi (109 km) adjacent to the M&N gas pipeline and/or Stud Mill Road, and 15 mi (24 km) adjacent to the existing MEPCO 345-kV transmission line (including portions that are co-located with the M&N

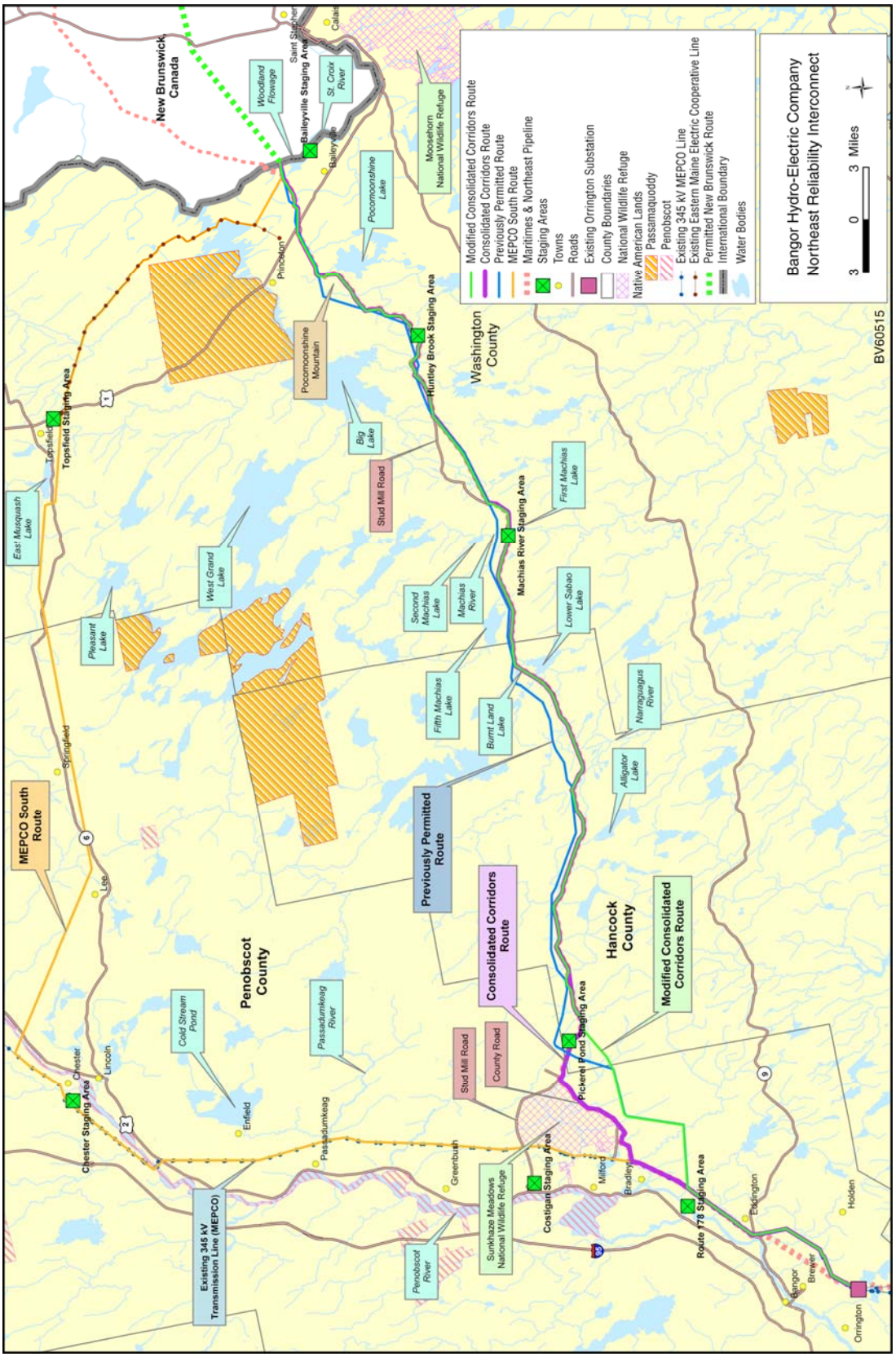

FIGURE 1.3-1 Alternative Routes (Source: Paquette 2005c)

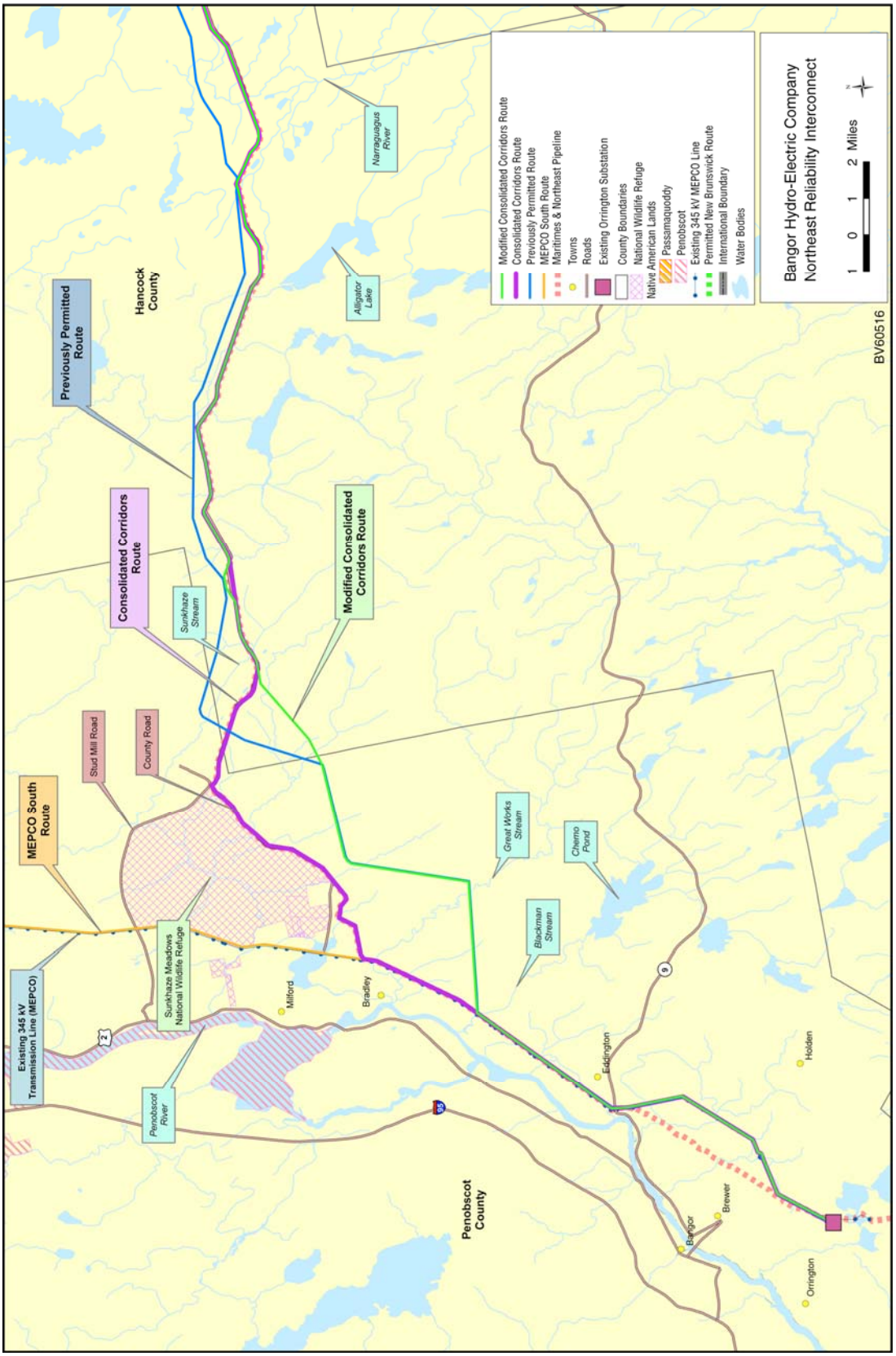

FIGURE 1.3-2 Location Where the Alternative Routes Initially Diverge (Source: Paquette 2005c)

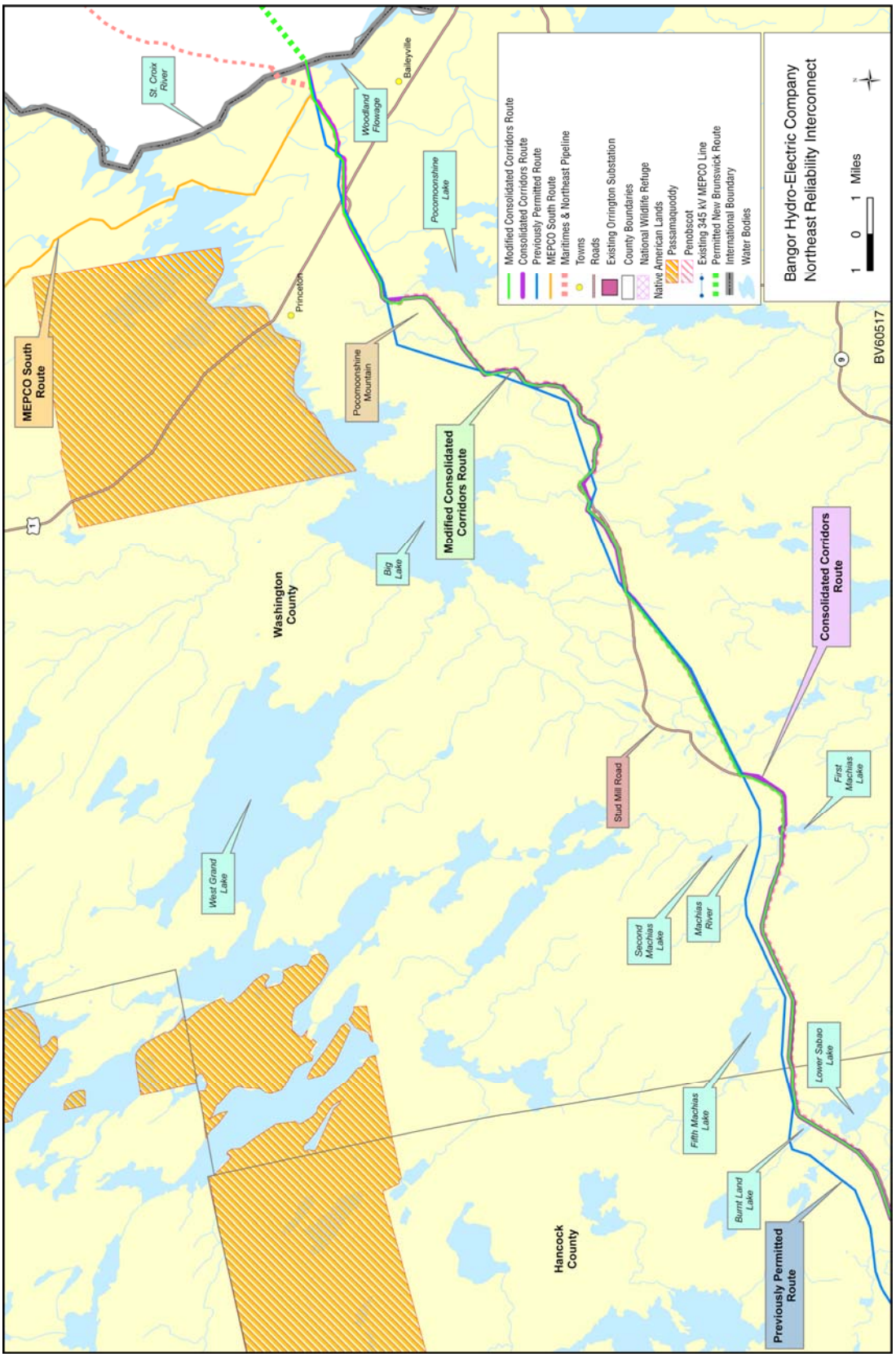

FIGURE 1.3-3 Location of the Alternative Routes within Washington County (Source: Paquette 2005c)

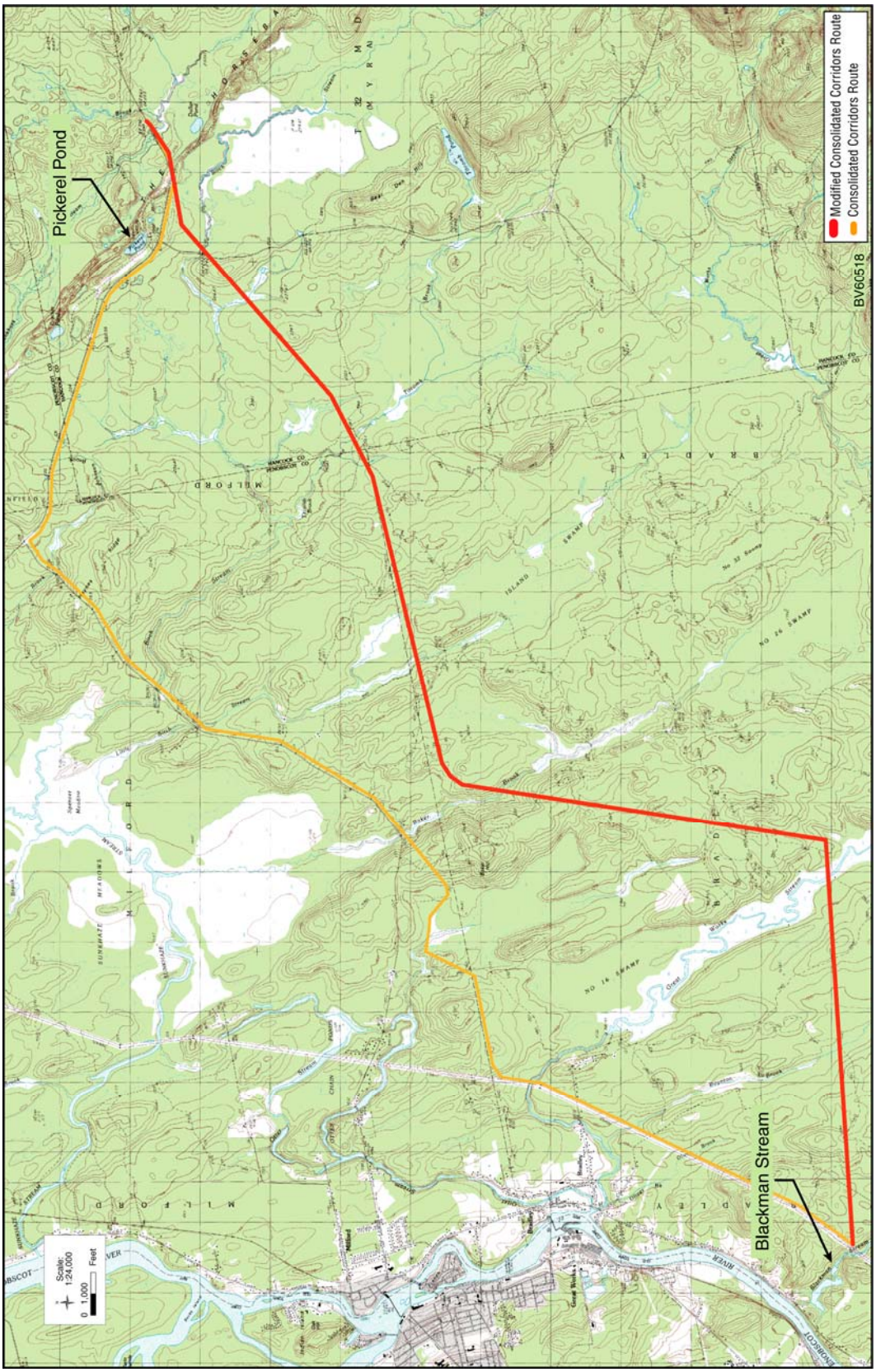

FIGURE 1.3-4 Modified Consolidated Corridors Route and Consolidated Corridors Route Divergence between Blackman Stream and the Pickerel Pond Area (Source: Paquette 2005b)

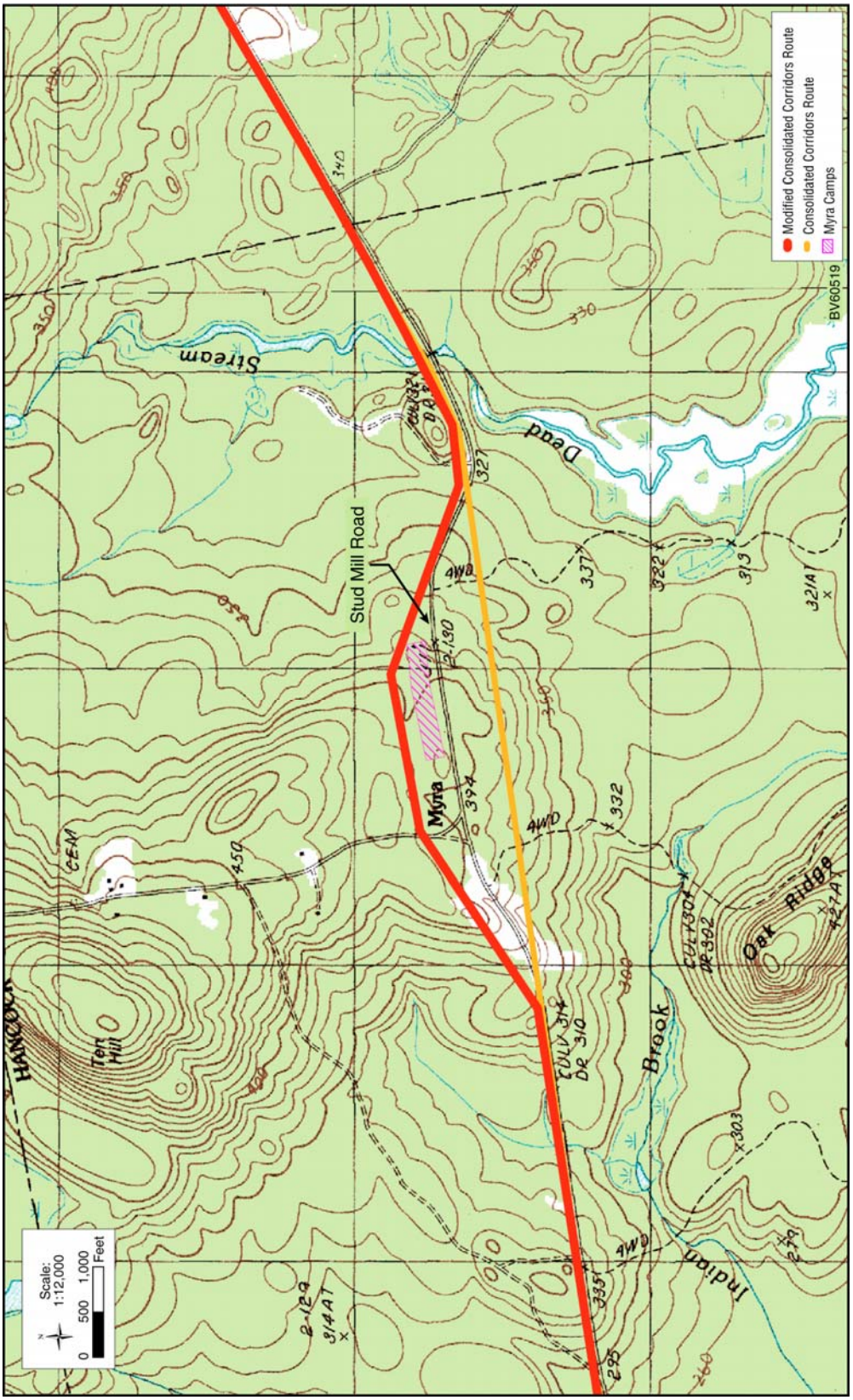

FIGURE 1.3-5 Modified Consolidated Corridors Route and Consolidated Corridors Route Divergence in the Area of Myra Camps (Source: Paquette 2005a)

gas pipeline and/or other transmission lines). Figure B.2-3 (Appendix B) of the Draft EIS provides a detailed map of the Consolidated Corridors Route where it differs from the Modified Consolidated Corridors Route.

1.3.3 Alternative Three: Previously Permitted Route (No Action)

The initial portion of the Previously Permitted Route from the Orrington Substation would be the same as the Modified Consolidated Corridors Route until it crosses the border between Penobscot and Hancock Counties (Figure 1.3-2). The Previously Permitted Route would then proceed to the east-northeast, generally paralleling the M&N gas pipeline and Stud Mill Road to the international crossing near Baileyville, Maine (Figures 1.3-2 and 1.3-3). Although formerly known as the Stud Mill Road Route, the Previously Permitted Route would not be immediately adjacent to the road but would be separated from it by as much as 9,400 ft (2,865 m). The Previously Permitted Route would cross over Stud Mill Road 13 times, would parallel the road in several locations with a separation of about 200 ft (61 m), and would have an average separation of 2,500 ft (762 m). The total distance of the Previously Permitted Route would be about 84 mi (135 km) and would consist of 62 mi (100 km) of new ROW, 10 mi (16 km) adjacent to the M&N gas pipeline and/or Stud Mill Road, and 12 mi (19 km) adjacent to the existing MEPCO 345-kV transmission line (including portions that are co-located with the M&N gas pipeline and/or other transmission lines). Figure B.3-1 (Appendix B) of the Draft EIS provides a detailed map of the Previously Permitted Route.

1.3.4 Alternative Four: MEPCO South Route

From the Orrington Substation, the MEPCO South Route would parallel the existing 345-kV transmission line to Chester, Maine (Figure 1.3-1). This route includes an initial crossing of the Penobscot River south of Lincoln. The route would then proceed generally east (recrossing the Penobscot River) to Route 6 east of Lee, Maine. The MEPCO South Route would then generally parallel, but not be co-located with, Route 6 until just west of Route 1 at Topsfield, Maine. The route would then generally proceed southeast to the international border near Baileyville, Maine (Figure 1.3-1). The total distance of the MEPCO South Route would be about 114 mi (183 km) and would consist of 39 mi (63 km) of new ROW, 54 mi (87 km) adjacent to the existing MEPCO 345-kV transmission line (including portions that are co-located with the M&N gas pipeline and/or other transmission lines), and 21 mi (34 km) adjacent to an existing Eastern Maine Electric Cooperative 69-kV transmission line (Figure 1.3-1). Figure B.4-1 (Appendix B) of the Draft EIS provides a detailed map of the MEPCO South Route.

1.3.5 Rescission of the Presidential Permit

Under the Rescission of the Presidential Permit Alternative, the presently permitted transmission line could not be constructed. Thus, it is reasonably foreseeable that the environmental status quo would continue and that there would be no environmental impacts related to the construction, operation, maintenance, and connection of a transmission line. It is

possible, however, that BHE or another entity could take other actions to achieve the purpose of the proposed project if the currently permitted or proposed transmission line were not built. This EIS does not include speculation on other actions that could be taken in view of a permit rescission, nor does it address the impacts of those other actions.

1.4 DOE'S PREFERRED ALTERNATIVE

In a Presidential permit proceeding, the applicant, rather than DOE, proposes the project. In this event, DOE's proposed action and the range of reasonable alternatives in the EIS for the permit generally are consistent with the applicant's purpose and need and are both practicable and feasible.

State regulatory agencies generally have the responsibility for determining whether and where an electric transmission line should be built within a State. During the State permitting process, the Maine Board of Environmental Protection stated its preference for BHE to construct the proposed NRI along a route that would be more closely consolidated with established linear corridors (Draft EIS, Section 1.1, page 1-2). Therefore, BHE conducted a stakeholder outreach process during which it considered input from Federal, State, and local authorities; Native American Tribes; public interest groups; and other stakeholders on route alternatives (Draft EIS, Section 2.1.1, page 2-2). On the basis of input from this process and after considering other factors, including concerns expressed by the State and local authorities, local zoning and planning regulations, cost and engineering criteria, and environmental and land use considerations, BHE identified the Modified Consolidated Corridors Route as its preferred alternative, and the State of Maine ultimately issued a permit to BHE for construction of the NRI along this route.

Here, DOE has selected the Modified Consolidated Corridors Route as its preferred alternative for two reasons: first, because it is the applicant's preferred alternative and second, because the State of Maine has issued a permit to BHE for development of the NRI along that route. As it happens, this alternative also has the lowest impacts of all of the alternative routes.

Chapter 4 of the Draft EIS presents the impact analyses for each of the alternatives considered in the EIS. A summary of the advantages and disadvantages of each alternative will be presented in the ROD to support DOE's decision. DOE will announce its final decision in the ROD and provide the basis for that decision.

1.5 ORGANIZATION OF THIS COMMENT-RESPONSE ADDENDUM

Chapter 1 of this Comment-Response Addendum provides background information and summarizes the purpose of and need for DOE action and the alternatives analyzed in the EIS. Chapter 2 describes the public participation and comment process for the Draft EIS and presents the comments received during public participation, as well as responses to those comments. Chapter 3 presents changes to the Draft EIS. It provides corrections to the text, tables, and figures and also provides clarifying information to the Draft EIS. The changes have been made to

respond to comments received on the Draft EIS; to reflect changes in, or provide clarification of, interconnect design features (e.g., the decision to use just ball markers rather than ball markers and/or flappers) or procedures (e.g., preconstruction surveys, mitigation measures) that the applicant has further defined since publication of the Draft EIS (Paquette 2005e,g; Faloon Saucier 2005); or to correct errors in the Draft EIS. Chapter 4 presents references cited in Chapters 1 through 3. Chapter 5 presents the distribution list for the Final EIS.